

FINAL REPORT TEMPLATE

Public Records Task Force
State of Nevada

Submitted to: Director, Legislative Counsel Bureau
For Transmittal to:

- Joint Interim Standing Committee on Government Affairs
- Senate Standing Committee on Government Affairs
- Assembly Standing Committee on Government Affairs

Submission Deadline: October 31, 2026

Executive Summary

Include:

- Background and legislative authority
- Summary of evaluation areas
- Highlights of key issues identified
- Summary of major recommendations

1. Introduction

1.1 Legislative Mandate

The Public Records Task Force was created by [Assembly Bill 128](#) (NRS 239.010). The purpose of this Task Force is to evaluate certain topics relating to requests for public records and make certain recommendations. The bill also: (1) prescribes the membership and duties of the Task Force; and (2) requires the Task Force to submit a written report describing its work and recommendations for transmittal to the Joint Interim Standing Committee on Government Affairs and the Senate and Assembly Standing Committees on Government Affairs for the 84th Session of the Legislature.

1.2 Objectives

The Task Force was charged with evaluating:

- Current exemptions to Chapter 239 of NRS
- Policies relating to public records of review boards established under NRS 289.380 and 289.383
- The impact of broad public records requests on governmental entities
- The cost, burden, and time constraints associated with redaction
- The financial burden on persons requesting public records
- Mechanisms for resolving disputes, including mediation and alternative dispute resolution
- Methods for collecting and sharing data related to public records requests

The Task Force was further directed to make recommendations addressing these areas.

1.3 Methodology

Explain how the Task Force conducted its work:

- Public meetings and stakeholder engagement
- Review of existing statutes, regulations, and policies
- Research activities
- Consideration of best practices from other jurisdictions

2. Overview of Nevada Public Records Law

Provide overview

2.1 Summary of Chapter 239 of NRS

2.2 Purpose and Principles of Public Records Law

2.3 Key Definitions and Concepts

3. Findings and Evaluation

3.1 Current Exemptions to Chapter 239 of NRS

- Provide overview of existing exemptions

- Provide analysis of clarity, consistency, and scope
- Identify exemptions that should be removed
- Identify gaps or redundancies

3.2 Policies Relating to Review Boards (NRS 289.380 & 289.383)

- Identify current practices
- Provide transparency considerations
- Identify challenges and inconsistencies

3.3 Impact of Broad Public Records Requests

- Identify effects on governmental operations
- Provide case examples or data in Nevada
- Identify resource implications
- Identify value of such requests and value of the information sought
- Identify mechanisms by which governmental entities and requestors satisfy NRS 239.0107(1)(c)(2) (governmental entities required to “make a reasonable effort to assist the requester to focus the request in such a manner as to maximize the likelihood the requester will be able to inspect, copy or receive a copy of the public book or record as expeditiously as possible”)
- Identify options for requesters to communicate with government entities regarding requests and responses

3.4 Cost, Burden, and Time Constraints for Redaction

- List staffing and technological limitations
- List technology currently employed to respond and redact
- Itemize cost of technology currently in use
- Provide time required for compliance
- Identify legal and operational challenges
- Identify problems with delays
- Provide case examples or data of delays in Nevada

3.5 Financial Burden on Requestors

- Provide see-fee structures
- List accessibility concerns
- Identify equity considerations
- Identify instances of governmental entities imposing charges in violation of the law

3.6 Dispute Resolution Mechanisms

- Identify existing processes
- Provide use of mediation
- List effectiveness and current gaps
- Outline problems with government control of the appointments and process
- Identify ways in which such a system could be used to undermine the public records act
- Identify necessary qualifications for decision makers
- Identify funding sources

3.7 Data Collection and Sharing Methods

- Current tracking practices
- Provide data limitations
- Identify opportunities for improvement

4. Recommendations

4.1 Clarification of Custodianship and Control

Provide proposed statutory or administrative changes.

4.2 Protection of Sensitive Information and Transparency

Provide proposed changes to balance privacy with public access.

4.3 Criteria for Granting or Denying Access

Define clearer standards and guidelines.

4.4 Penalties for Delayed or Incomplete Responses

Recommend enforcement mechanisms, ~~and~~ accountability measures, and monetary penalties for delayed, incomplete, or improper responses.

Recommend enforcement mechanisms, accountability measures, and monetary penalties for failure to provide a response within five days.

Recommend cumulative penalties for serial violators.

4.5 Protocols to Protect Personal Information ~~and Criminal~~ ~~Investigations~~

PRELIMINARY DRAFT – SUBJECT TO REVISION

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Outline ~~safeguards and~~ best practices to ensure prompt disclosure of public records.

Discuss the lack of any evidence that disclosing criminal investigation information has harmed any investigations or prosecutions or in any way violated the rights of any accused

Discuss whether current practices are sufficient (or more than sufficient)

Discuss whether current practices keep secret more information than appropriate

4.6 Standardized Fee Schedule

Propose a ~~consistent~~ statutory fee schedule applicable to all government entities that sets forth the cost of paper copies, thumb drives, CDs, and other hard costs that constitute the actual cost of providing public records. (NRS 239.052)

Prohibit fees for the redaction of police officer faces in body worn camera footage.

~~and equitable framework.~~

4.7 Protections Against Retaliatory Litigation

Recommend measures to protect against abusive or retaliatory legal action.

4.8 Mandate a Meaningful Response Within 5 Business Days

Requesters should receive meaningful responses within five business days that are based on a human review of the request, not merely an automated email.

4.9 Government Websites Must Provide A Public Records Contact Person

Requesters should be able to easily identify a contact person with whom they can discuss their request.

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5.0 Government Entities Must Identify Public Records To Post On-Line and Develop a Timeline for Implimentation

Government entities should post public records on-line and create a timeline for implementation.

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5.1 Government Agencies, Board and Commissions Rendering Decisions in Public Forums to Post Decisions On- Line in a Publicly Accessible Reading Room

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While many state and local agencies make this information available on their website, many others do not. All state and local agencies, boards and commissions rendering decisions in a public meeting that would be obtainable through a public records request should post those decisions on their website for public review.

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5.2 Meeting Minutes, Exhibits and Recordings of Administrative Regulation Workshops and Hearings to be Posted On-Line in a Publicly Accessible Reading Room.

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The public can easily access minutes, exhibits and more recently, recordings of legislative proceedings. This information can be useful in determining legislative intent. The public should have the same ability to discern regulatory intent through an accessible review of administrative regulation proceedings.

5. Implementation Considerations

Discuss how recommendations can be enacted.

Include:

- Legislative changes required
- Administrative actions
- Investments in technology, staffing, training, etc.
- Ongoing oversight

6. Summary of Task Force Work

Provide a summary of:

- Activities conducted
- Stakeholder input
- Key discussions and deliberations

7. Conclusion

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Summarize the Task Force recommendations and potential impact.

8. Appendix

Include supporting materials such as:

- Meeting agendas and minutes
- Presentations, legal references, etc.
- Comparative analysis with other states

The Task Force is composed of ten individuals. Five members represent transparency interests and five represent governmental interests. All members share a commitment to carefully evaluate Nevada public records law and to evaluate and make recommendations for improvement.

As part of its work, the Task Force heard presentations and considered recommendations from a variety of public and private sector stakeholders. Through that process, several themes became evident. These are described below through the lens of the stakeholders who have raised the concerns.

Transparency Concerns

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- Timeliness of responses to public records requests.
- Aggressive governmental interpretation of the public records law to support a denial of public records requests.
- Inconsistent treatment of public records requests by various state and local agencies.
- Inconsistent treatment of legal issues arising in public records request litigation by the courts.

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Governmental Concerns

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- Overly broad public records requests, exacerbated by the use of Artificial Intelligence.
- Protection of personal information.
- Balancing the interests of public records request during an active criminal investigation, particularly when victim(s) are involved.

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